

Sponsor: Carolyn Edmonds

Proposed No.: 2004-0519

STRIKING AMENDMENT TO PROPOSED ORDINANCE 2004-0519, VERSION

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On page 1, beginning on line 9, strike everything through page 9, line 115, and insert:

"BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Homelessness is recognized as a significant problem in King County and elsewhere in the nation.

B. Some estimates conclude that eight thousand King County residents are homeless on any given night.

C. King County finds it unacceptable that people are dying on the streets of our communities because there are insufficient safe alternative locations for habitation by homeless persons.

D. The citizens' advisory commission on homeless encampments ("CACHE") was established by the metropolitan King County council in June 2004 to study the issues of temporary emergency encampments, including whether there is a need for homeless encampments, whether these encampments shall be sited on public or private land, or both, and identifying procedural guidelines for siting and permitting future temporary homeless encampments.

19 E. The final report of the CACHE found that homeless encampments are not
20 ideal but found that there is a need for the encampments until more permanent housing is
21 available across King County.

22 F. Homeless encampments serve as an interim survival mechanism while King
23 County continues its important work as a member of the regional Committee to End
24 Homelessness in King County seeking permanent housing alternatives and supportive
25 services through a final plan and recommendations due in early 2005.

26 G. The establishment of homeless encampments has generated concerns about
27 the adequacy of notice to affected communities before their establishment. These
28 concerns can be alleviated by requiring submittal of necessary permits at least thirty days
29 in advance of the desired date to commence the use.

30 H. Managers, sponsors and hosts for homeless encampments are willing to
31 assume responsibility for homeless encampment residents' compliance with written codes
32 of conduct.

33 I. Managers, sponsors and hosts for homeless encampments have developed
34 codes of conduct that prohibit the use of drugs and alcohol inside the encampment,
35 prohibit weapons, violence or open flames inside the encampment and require
36 encampment residents to act respectfully toward each other and their neighborhood at all
37 times.

38 J. Managers, sponsors and hosts for homeless encampments must abide by and
39 incorporate all code and permit conditions and requirements with regard to community
40 notification, maximum occupancy, environmental health and safety rules, buffers and

41 boundaries, length of stay, resident identification, inspections by relevant public health,
42 public safety and other appropriate regulatory agencies.

43 K. It is the intent of the county to encourage the managing agency to disperse
44 homeless encampment sites geographically and to move the encampment to other
45 properties within ninety days, so that no one community or area of the county is unduly
46 impacted.

47 L. Homeless juveniles and families with children are considered as the highest
48 priority for placement within shelters or transitional housing. Homeless adult persons
49 without children have the lowest priority for placement. Homeless encampments,
50 therefore, are often a last measure to assure safe haven for adult homeless persons.

51 M. Seattle Housing and Resource Effort ("SHARE") and the Women's Housing,
52 Equality and Enhancement League ("WHEEL") are nonprofit organizations that advocate
53 and provide services for homeless persons and that have established Tent City 4 in King
54 County to provide a safe community for up to one hundred homeless persons every night.

55 N. SHARE/WHEEL has successfully worked with churches and nonprofit groups
56 to provide support services and assistance to residents of Tent City 4, and the site moves
57 every ninety days.

58 O. Tent City 4 is self-governing, complies with all health, fire and public safety
59 regulations, and the residents live by a strict code of conduct providing a drug-free,
60 alcohol-free and respectful environment.

61 P. The King County Code currently does not specifically authorize or prohibit the
62 use of tents as shelter within a tent encampment for homeless persons on private

property. The King County Zoning Code (Title 21A) prohibits uses not specifically permitted unless those uses qualify for a temporary land use permit

Q. The provisions of this ordinance are generally based upon standards contained within the consent decree between the City of Seattle and SHARE/WHEEL and El Centro de la Raza and the CACHE recommendations.

R. Numerous discussions with representatives of various faith-based organizations have indicated a general consensus that the consent-decree and the CACHE recommendations provide a reasonable model on which to pattern provisions relating to homeless encampments.

S. The provisions represent generally applicable standards necessary to assure the creation in all cases of a safe encampment with minimal impact to neighboring communities. In particular cases, it may be possible to fashion less restrictive conditions that would be adequate to assure the creation of a safe encampment with minimal impacts to neighboring communities based on an individualized inquiry into particular circumstances. Variations from the general applicable standards in this ordinance should be reviewed as a Type 2 land use decision to allow adequate opportunity for an individual inquiry to evaluate the impacts of any proposed variations from the general standards established in this ordinance.

T. A sunset date of December 31, 2014, for authority to establish homeless encampments would be consistent with the goal of the Ten Year Plan to End Homelessness developed by the Committee to End Homelessness in King County and will be incorporated into the enabling legislation.

SECTION 2. Ordinance 12196, Section 9, as amended, and K.C.C. 20.20.020 are each hereby amended to read as follows:

Classifications of land use decision processes.

A. Land use permit decisions are classified into four types, based on who makes the decision, whether public notice is required, whether a public hearing is required before a decision is made and whether administrative appeals are provided. The types of land use decisions are listed in subsection E₂ of this section.

1. Type 1 decisions are made by the director, or his or her designee, ("director") of the department of development and environmental services ("department"). Type 1 decisions are non appealable administrative decisions.

2. Type 2 decisions are made by the director. Type 2 decisions are discretionary decisions that are subject to administrative appeal.

3. Type 3 decisions are quasi-judicial decisions made by the hearing examiner following an open record hearing. Type 3 decisions may be appealed to the county council, based on the record established by the hearing examiner.

4. Type 4 decisions are quasi-judicial decisions made by the council based on the record established by the hearing examiner.

B. Except as provided in K.C.C. 20.44.120A.7 and 25.32.080 or unless otherwise agreed to by the applicant, all Type 2, 3 and 4 decisions included in consolidated permit applications that would require more than one type of land use decision process may be processed and decided together, including any administrative appeals, using the highest-numbered land use decision type applicable to the project application.

107 C. Certain development proposals are subject to additional procedural requirements
108 beyond the standard procedures established in this chapter.

109 D. Land use permits that are categorically exempt from review under SEPA do not
110 require a threshold determination (determination of nonsignificance ~~((€))~~["DNS"(~~(€)~~)] or
111 determination of significance ~~((€))~~["DS"(~~(€)~~)]). For all other projects, the SEPA review
112 procedures in K.C.C. chapter 20.44 are supplemental to the procedures in this chapter.

113 E. Land use decision types are classified as follow:

TYPE 1	(Decision by director, no administrative appeal)	<u>Temporary use permit for a homeless encampment consistent with sections 6 through 15 of this ordinance;</u> ((B)) building permit, site development permit, or clearing and grading permit that is not subject to SEPA, that is categorically exempt from SEPA as provided in K.C.C. 20.20.040, or for which the department has issued a determination of nonsignificance or mitigated determination of nonsignificance; boundary line adjustment; right of way; variance from K.C.C. chapter 9.04; shoreline exemption; approval of a conversion-option harvest plan; a binding site plan for a condominium that is based on a recorded final planned unit development, a building permit, an as-built site plan for developed sites, ((€)) a site development permit for the entire site circumstances.
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TYPE 2 ¹	(Decision by director appealable to hearing examiner, no further administrative appeal)	Short plat; short plat revision; short plat alteration; zoning variance; conditional use permit; <u>temporary use permit for a homeless encampment consistent with section 15 of this ordinance</u> ; temporary use <u>permit under K.C.C. chapter 21A.32</u> ; shoreline substantial development permit ² ; building permit, site development permit or clearing and grading permit for which the department has issued a determination of significance; reuse of public schools; reasonable use exceptions under K.C.C. 21A.24.070_B; preliminary determinations under K.C.C. 20.20.030_B; sensitive areas exceptions and decisions to require studies or to approve, condition or deny a development proposal based on K.C.C. chapter 21A.24; extractive operations under K.C.C. 21A.22.050; binding site plan; waivers from the moratorium provisions of K.C.C. 16.82.140 based upon a finding of special.
TYPE 3 ¹	(Recommendation by director, hearing and decision by hearing examiner, appealable to county council on the record)	Preliminary plat; plat alterations; preliminary plat revisions.

TYPE 4 ^{1, 3}	(Recommendation by director, hearing and recommendation by hearing examiner decision by county council on the record)	Zone reclassifications; shoreline environment redesignation; urban planned development; special use; amendment or deletion of P suffix conditions; plat vacations; short plat vacations; deletion of special district overlay.
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¹ See K.C.C. 20.44.120_C for provisions governing procedural and substantive SEPA

appeals and appeals of Type 3 and 4 decisions to the council.

² When an application for a shoreline permit is combined with other permits requiring Type 3 or 4 land use decisions under K.C.C. 25.32.080, the examiner, not the director, makes the decision. A shoreline permit, including a shoreline variance or conditional use, is appealable to the state Shorelines Hearings Board and not to the hearing examiner.

³ Approvals that are consistent with the Comprehensive Plan may be considered by the council at any time. Zone reclassifications that are not consistent with the Comprehensive Plan require a site-specific land use map amendment and the council's hearing and consideration shall be scheduled with the amendment to the Comprehensive Plan under K.C.C. 20.18.040 and 20.18.060.

F. The definitions in section 7 of this ordinance apply to this section.

SECTION 3. Ordinance 12196, Section 17, as amended, and K.C.C. 20.20.100 are each hereby amended to read as follows:

Permit issuance.

129 A. The department shall issue its recommendation to the hearing examiner on a
130 Type 3 or Type 4 land use decision within one hundred fifty days from the date the
131 applicant is notified by the department pursuant to this chapter that the application is
132 complete. The time periods for action by the hearing examiner on a Type 3 or Type 4
133 land use decision shall be governed by the hearing examiner's rules.

134 B.1. Except as otherwise provided in subsection B.2 of this section, the
135 department shall issue its final decision on a Type 1 or Type 2 land use decision within
136 one hundred twenty days from the date the applicant is notified by the department
137 pursuant to this chapter that the application is complete.

138 2. The following shorter time periods apply to the type of land use permit
139 indicated:

140 New residential building permits	90 days
141 Residential remodels	40 days
142 Residential appurtenances, such as decks and garages	15 days, or 40 days
143	residential
144	appurtenances that
145	require substantial
146	review.
147 Clearing and grading	90 days
148 Health Department review	40 days
149 (for projects pending a final department	
150 review or permit or review and permit).	
151 <u>Type 1 temporary use permit for a homeless encampment:</u>	<u>30 days.</u>

152 (In accordance with K.C.C. 27.02.040, there
153 is a compelling need and public purpose
154 served in permitting homeless
155 encampments in accordance with
156 K.C.C. Title 21.A, and, therefore, the director
157 shall waive the process fee for a
158 temporary use permit for a homeless encampment.

159 SECTION 4. Ordinance 10870, Section 549, as amended, and K.C.C.
160 21A.32.120 are each hereby amended to read as follows:

161 **Temporary use permits – duration and frequency.** Except as otherwise
162 provided in sections 6 through 15 of this ordinance (K.C.C. chapter 21A.--),

163 ~~((F))~~temporary use permits shall be limited in duration and frequency as follows:

164 A. The temporary use permit shall be effective for no more than one hundred
165 eighty days from the date of the first event;

166 B The temporary use shall not exceed a total of sixty days. ~~((, provided that))~~.
167 ~~((F))~~This requirement applies only to the days that the event or events actually take place.

168 For a winery in the A or RA zones, the temporary use shall not exceed a total of two
169 events per month and all parking for the events must be accommodated on site;

170 C. The temporary use permit shall specify a date upon which the use shall be
171 terminated and removed; and

172 D. A temporary use permit shall not be granted for the same temporary use on a
173 property more than once per calendar year, though a temporary use permit may be
174 granted for multiple events during the approval period.

175 SECTION 5. Sections 6 through 15 of this ordinance should constitute a new
176 chapter in K.C.C. Title 21A entitled "Homeless Encampments."

177 NEW SECTION. SECTION 6. Purpose. It is the purpose of this chapter to
178 ensure the maintenance of a safe environment within the encampments and to address the
179 potential impacts to neighborhoods by establishment of such encampments

180 NEW SECTION. SECTION 7. Definitions. The definitions in this section apply
181 throughout this chapter and to K.C.C. 20.20.020 unless the context clearly requires
182 otherwise.

183 A. "Homeless encampment" means a group of homeless persons temporarily
184 residing out of doors on a site with a host and services provided by a sponsoring
185 organization and supervised by a managing agency.

186 B. "Host" means the owner of site property. A "host" be the same entity as the
187 local sponsoring organization or the managing agency.

188 C. "Local sponsoring organization" means a local church or other local,
189 community-based organization that has an agreement with the managing agency to host
190 and/or provide basic services and support for the residents of an emergency temporary
191 homeless encampment and liaison with the surrounding community and joins with the
192 managing agency in an application for a county permit. A "local sponsoring
193 organization" may be the same entity as the host or the managing agency.

194 D. "Managing agency" means an organization that has the capacity to organize
195 and manage an emergency, temporary, homeless encampment. A "managing agency"
196 may be the same entity as the host or the local sponsoring organization.

197 E. "Public health" means the Seattle-King County department of public health.

198 NEW SECTION. SECTION 8. Required permits. Approval of a temporary use
199 permit shall be obtained before commencing an encampment and the permit shall be
200 reviewed through the following land use decision process:

201 A. A temporary use permit for an encampment that complies with this chapter
202 shall be reviewed as a Type 1 land use decision; and

203 B. A temporary use permit for an encampment that proposes standards differing
204 from this chapter shall be reviewed in accordance with section 15 of this ordinance as a
205 Type 2 land use decision.

206 NEW SECTION. SECTION 9. Use and sponsorship agreements. The
207 following written agreements shall be provided by the managing agency:

208 A. An agreement, with a local sponsoring organization, to provide or coordinate
209 basic services and support for the encampment residents and to join with the managing
210 agency in all applications for relevant permits; and

211 B. An agreement, with a host, granting permission to locate the encampment at
212 the proposed location and to join with the managing agency in all applications for
213 relevant permits.

214 NEW SECTION. SECTION 10. Application submittal, content and notice.

215 A. An application for an encampment shall be submitted to the department at least thirty
216 days in advance of the desired date to commence the use.

217 B. In addition to contents otherwise required for such applications, the application shall
218 include:

219 1. A copy of the written code of conduct entered into between the host and managing
220 agency addressing the issues identified in the example code of conduct, Attachment A to this

ordinance. The written code of conduct requires temporary encampment residents to abide by specific standards of conduct to promote health and safety within the camp and within the adjoining neighborhoods. Nothing in this subsection is intended to preclude the host and the managing agency from agreeing, in the written code of conduct, to additional terms or standards of conduct stricter than the example code of conduct;

2. The name of the managing agency and the local sponsoring organization; and

3. The host signature.

NEW SECTION. SECTION 11. Permit conditions. The permit conditions for approval of an encampment shall include the following:

A. The maximum number of residents at an encampment site shall be determined taking into consideration site conditions, but in no case shall be greater than one hundred at any one time;

B. The duration of an encampment at any specific location shall not exceed ninety-two days at any one time, including setup and dismantling of the encampment;

C. An encampment may be located at the same site no more than once every twelve months;

D. The host and managing agency will assure all applicable public health regulations will be met for the following:

1. Sanitary portable toilets;

2. Hand washing stations by the toilets;

3. Food preparation or service tents;

4. Security tents; and

5. Refuse receptacles;

E. The encampment shall be within a half mile of a bus stop or the sponsoring organization or host must demonstrate ability for residents to obtain access to the nearest public transportation stop through sponsor or host provided van or car pools. During hours when public transportation is not available, the sponsor or host shall also make transportation available to anyone who is rejected from or ordered to leave the encampment;

F. The encampment site must provide buffers from surrounding properties with:

1. A minimum twenty-foot setback in each direction from the boundary of the lot on which the encampment is located, excluding access;

2. Established vegetation sufficiently dense to obscure view; or

3. A six foot high, view-obscuring fence;

G. No permanent structures shall be erected on the encampment site;

H. A regular trash patrol in the immediate vicinity of the permit area shall be provided;

I. Public health guidelines on food donations, handling and storage, including proper temperature control, shall be followed and encampment residents involved in food donations and storage shall be made aware of these guidelines;

J. Children under the age of eighteen shall not be permitted to stay overnight in the temporary emergency homeless encampment except under exigent circumstances. If a child under the age of eighteen, either alone or accompanied by a parent or guardian, attempts to stay overnight, the managing agency will immediately contact child protective services and endeavor to find alternative shelter for the child and any accompanying parent or guardian;

267 K. The managing agency shall keep a log of all people who stay overnight in the
268 encampment, including names and dates;

269 L. The managing agency shall take all reasonable and legal steps to obtain
270 verifiable identification, such as a driver's license, government-issued identification card,
271 military identification or passport from prospective and encampment residents; and

272 M. The managing agency shall enforce the written code of conduct.

273 NEW SECTION. SECTION 12. **Parking impacts.** On-site parking spaces shall
274 not be displaced unless sufficient parking remains available for the primary use to
275 compensate for the loss of on-site parking spaces.

276 NEW SECTION. SECTION 13. **Community notice and informational**
277 **meeting.** The managing agency, in partnership with the sponsoring organization, shall:

278 A. At least fourteen days before the anticipated start date of the encampment,
279 provide notification to all residences and businesses within five hundred feet of the
280 boundary of the proposed encampment site. The notice shall contain the following
281 specific information:

282 1. Name of sponsoring agency;

283 2. Name of host;

284 3. Date encampment will begin;

285 4. Length of stay;

286 5. Maximum number of residents allowed;

287 6. Planned location of the encampment;

288 7. Date or dates, time or times and locations or locations of a community
289 meeting or meetings about the encampment;

290 8. Contact information including names and phone numbers for both managing
291 and sponsoring agencies; and

292 9. A county contact person or agency; and

293 B. Conduct at least one neighborhood meeting held on the site itself, or nearby,
294 between five and fourteen days before the anticipated start date of the encampment. The
295 purpose of the meeting is to provide those residences and businesses that are entitled to
296 notice under this section with information regarding the proposed duration and operation
297 of the homeless encampment, conditions that will be placed on the operation of the
298 homeless encampment and requirements of the written code of conduct, and to answer
299 questions regarding the encampment.

300 NEW SECTION. SECTION 14. **Compliance with permit conditions and**
301 **written code of conduct**

302 A. In order to assess compliance with the terms of the permit, inspections may be
303 conducted at reasonable times without prior notice by the fire district, public health or
304 department staff. The managing agency shall implement all directives of the fire district
305 within forty-eight hours. Public health and department directives shall be implemented
306 within the time specified by the respective agencies.

307 B. Failure by the managing agency to take action against a resident who violates
308 the terms of the written code of conduct may result in cancellation of the permit.

309 NEW SECTION. SECTION 15. **Option to modify standards through a Type**
310 **2 land use decision.**

311 A. An applicant for a homeless encampment that wishes to vary from any of the
312 requirements of sections 9 through 14 of this ordinance may proceed as a Type 2 land use

decision as provided in K.C.C. 20.20.020. The department's decision for a Type 2 land use decision may be appealed to the hearing examiner. Any appeal of a Type 2 homeless encampment temporary use permit shall be expedited by the hearing examiner.

B. In addition to all other permit application requirements, the applicant shall submit a description of the requirements to be modified and shall demonstrate how the modification will result in a safe encampment under the specific circumstances of the application. The department shall review the proposed modifications and shall either deny or approve the application, with conditions if necessary, to ensure a safe encampment with minimal impacts to the host neighborhood.

SECTION 16. Sections 5 through 15 of this ordinance expire January 1, 2015, and appropriate revisions to K.C.C. 20.20.020 shall be adopted to reflect the expiration.

SECTION 17. Section 18 of this ordinance takes effect January 1, 2015.

NEW SECTION. SECTION 18. There is hereby added to K.C.C. chapter 21A.32 a new section to read as follows:

Homeless encampments – prohibited. A homeless encampment is a prohibited use and shall not be approved through a temporary use permit. If the King County Ten Year Plan to End Homelessness has not been fully implemented and there is still a need for homeless encampments, the county council may extend sections 5 through 15 of this ordinance."

Add Attachment A, Example Code of Conduct.

EFFECT:

- Incorporates provisions from Proposed Motion 2004-0518 such as:
 - Findings
 - Definitions

- 338 ○ Use and sponsorship agreements
- 339 ○ Codes of conduct for camp users
- 340 ○ Health requirements
- 341 ○ Consideration of parking impacts
- 342 ○ Age restrictions
- 343 • Requires a minimum of 30 days between the submittal date of the application and the
- 344 commencement of the encampment.
- 345 • Sets a 30 day limit on length of review of a permit application.
- 346 • Requires applicant, at least 14 days prior to start of use, to provide notice to
- 347 residences and businesses within 500 feet of an encampment site of the intent to
- 348 establish an encampment
- 349 • Limits location on same site to once within any 12 month period.
- 350 • Specifies that approval period includes setup and dismantling time.
- 351 • Increases maximum distance to public transportation from ¼ mile to ½ mile.
- 352 • Provides an example to clarify how an applicant can "demonstrate ability to obtain
- 353 access to public transportation".
- 354 • Requires applicant to conduct an informational meeting between five and fourteen
- 355 days prior to the start of the encampment.
- 356 • Clarifies that an applicant may request different standards through the temporary use
- 357 permit process, however the permit will be reviewed as a Type 2 land use decision.
- 358 • On January 1, 2015, several sections of the ordinance will sunset and homeless
- 359 encampments will become a prohibited use in unincorporated King County so long as
- 360 the King County Ten Year Plan to End Homelessness has been successfully
- 361 implemented and there is no longer a need for homeless encampments.
- 362